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April 16, 2024

## Via ECF

The Honorable Victoria Reznik, U.S.M.J.  
United States District Court  
Southern District of New York  
300 Quarropas St.  
White Plains, New York 10601

Re: *Beda, et al., v. The Nurtury at Flandreau, Inc., et al.*  
Case No.: 7:22-cv-04827 (NSR)(VR)

Dear Judge Reznik:

This firm represents Plaintiffs, Jeniffer Beda (“Beda”) and Nicole Garcia (“Garcia”) (collectively, “Plaintiffs”), in the above-referenced putative class and collective action. Defendants are represented by Jason Wolf, Esq. (“Mr. Wolf”), of Rutkin & Wolf PLLC. Plaintiffs write to respectfully request the Court deem Plaintiffs’ Motion for Conditional Certification of an FLSA Collective (ECF Nos. 45-47) (the “Motion”) unopposed and award Plaintiffs all relief requested in the Motion, including further equitable tolling of the applicable statutes of limitations.

Plaintiffs initially filed the Motion on December 4, 2024. *Id.* Defendants’ opposition to the Motion was due December 26, 2023. ECF Nos. 44, 53. Defendants did not oppose the motion, nor did Defendants request an extension of time to file opposition. On January 19, 2024, the Court issued an Order stating, *inter alia*, “Defendants are directed to write to the Court, explaining whether they plan to oppose Plaintiff’s motion, and whether the parties seek any delay in the Court’s ruling on Plaintiff’s motion to accommodate settlement discussions.” ECF No. 53. Defendants never wrote to the Court.

On February 13, 2024, the Court held a telephone status conference. Minute Entry of February 13, 2024. At the conclusion of the conference, the Court referred the parties to a Settlement Conference with Your Honor. *Id.* Although Defendants’ deadline to oppose the Motion had expired six weeks prior, the Court further “temporarily stayed” Defendants’ opposition to the Motion until two weeks after the Settlement Conference. *Id.* The parties promptly scheduled a Settlement Conference for March 28, 2024.

On March 28, 2024, the Court held an in-person settlement conference with Your Honor. Minute Entry of March 28, 2024. Defendants’ representations at the settlement conference exhibited their bad faith and dilatory motive, which has been a feature of Defendants’ strategy in their defense (or lack thereof) of this action. The Settlement Conference concluded without settlement of any of Plaintiffs’ claims. *Id.* As a result, per the Court’s February 13, 2024 Order, Defendants’ opposition to the Motion was due by April 11, 2024, two weeks after the Settlement Conference. To date, Defendants have not filed any opposition to the Motion.

From the discovery completed to date, it appears that much of the remaining fact discovery overlaps substantially with that of the putative collective and will be most efficiently completed after the opt-in period closes. As such, Plaintiffs respectfully request the Court deem the Motion unopposed and expeditiously issue an Order granting all the relief requested by Plaintiffs in their Motion.

We thank the Court for its attention to this matter.

Respectfully submitted,

**Akin Law Group PLLC**

/s/ Justin Ames

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